DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S MOTION TO COMPEL PLAINTIFF'S DISCOVERY RESPONSES AND PAY COSTS

EXHIBIT 7

Partial Transcript of Plaintiff's Deposition taken on November 18, 2016

Pp. 1 – 5; 25 – 48; 163; 212 – 215; 253 - 268

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES EVERETT SHELTON,)
)
Plaintiff,)
)
) JUDGE PAUL S. DIAMOND
vs.) CASE NO. 2:16-CV-01650
)
EXPERIAN INFORMATION)
SOLUTIONS, INC., et al.)
)
Defendants.)

- - - - -

THE VIDEOTAPED DEPOSITION OF JAMES EVERETT SHELTON
FRIDAY, NOVEMBER 18, 2016

- - - - -

The videotaped deposition of JAMES EVERETT SHELTON, called by the Defendants for examination pursuant to the Federal Rules of Civil Procedure, taken before me, the undersigned, Sarah R. Drown, Notary Public within and for the State of Ohio, taken at the offices of Jones Day, 901 Lakeside Avenue East, Cleveland, Ohio, commencing at 8:26 a.m., the day and date above set forth.

APPEARANCES:

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ALSO PRESENT:

Ivan Bercian, Videographer

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THE VIDEOGRAPHER: We're on the record. Today's date is November 18, 2016. The time is now 9:26 (8:26) a.m. This is the videotaped deposition of James Shelton in the matter of James Everett Shelton versus Experian Information Solutions, Inc., et al. Case number 16-1650 in the United States District Court of Eastern District of Pennsylvania.

Would the counsel please state their names for the record.

MR. GORSKI: Greg Gorski, Francis & Mailman, representing plaintiff James Everett Shelton.

MR. PUTNEY: John Paul Putney with Jones Day representing Experian Information Solutions, Inc.

MR. TUSKAN: Justin Tuskan with Metz Lewis Brodman Must O'Keefe representing defendant Southwest Credit Systems, L.P.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

JAMES EVERETT SHELTON

of lawful age, called by the Defendants for examination pursuant to the Federal Rules of Civil

Procedure, having been first duly sworn, as hereinafter certified, was examined and testified as follows:

MR. GORSKI: So before we get started, do you guys want to agree to usual stipulations, all objections preserved except to the form of the question?

MR. PUTNEY: That's fine.

MR. GORSKI: Okay.

EXAMINATION OF JAMES EVERETT SHELTON

BY MR. PUTNEY:

Q Mr. Shelton, would you state and spell your name for the record, please.

A James Everett Shelton, J-A-M-E-S E-V-E-R-E-T-T S-H-E-L-T-O-N.

Q Great. Thank you. My name is John Paul Putney, as you heard, and I'm an attorney with Jones Day and we represent Experian Information Solutions.

This deposition, as you know, is being taken under the Federal Rules of Civil Procedure, and that means it has a number of purposes for which it can be used, including discovery and cross-examination and any other permissible purpose under the law.

A Yes.
Q What's Josh's last name?
A Lehrberger, L-E-H-R-B-E-R-G-E-R.
Q And he's from the Philly area too, huh?
A Yeah, he is.
Q Do you guys hang out a lot?
A Yeah.
Q So are you currently employed?
A Employed. I don't work for anybody right now.
Q Okay. Are you doing any of -- so you're not working for the school at all or?
A Not for the school. I run my own business.
Q Oh, you do?
A Yes.
Q Okay. Can you tell me more about that?
A I -- it's called Final Verdict Solutions. It's a sole proprietorship business. I started this business in March. March the 7th was when I filed my fictitious business registration in Pennsylvania.
Q What do you guys -- Final Verdict Solutions. What do you do?
A Essentially a judgement recovery company. What we do is we -- I purchase -- "we" meaning me. I purchase judgments and then I try to collect

on those judgments pro se. Or through the hiring of counsel.

Q Okay. How did you get into that line of business?

A I had a judgment against my former employer for not paying my wages on time, and I tried to research how to collect on my judgment after my lawyer hadn't really done anything about it, and I learned some things and I said I can make a business out of this.

Q That's very entrepreneurial.

A Yes.

Q So when did you start -- when did you have the -- you started on March 7 I think you said?

A March 7 was when I started the business. I filed my fictitious business registration on March the 7th.

Q And how's that going so far?

A It's going well.

Q Good. How do you identify judgments to purchase?

A What I do is I will look at the judgment debtor and run an asset search to see what the likelihood of recoverable assets are. And then I will --

Q Who do you use to run the asset search? I apologize.
A I have a service called IRBsearch, which is a database that I have access to. I also network with private investigators across the country who have services such as LexisNexis, as well as a company that I'm trying to get access to now which is called TLO.
Q That's just the letters TLO?
A TLO.
Q Okay. And what address do you -- is the business housed at?
A 316 Covered Bridge Road, King of Prussia, Pennsylvania 19406.
Q Okay. Is anyone in your family involved in the business as well?
A No.
Q Just you?
A Just me.
Q So you're the -- you said it's a sole proprietorship, is that right?
A It's a sole proprietorship.
Q So you're the only owner?
A Yes.
Q And prior to that, what did you do for

employment?
A Well, I worked for my father's company, ARCADIS US. I was an assistant basically, an errand boy. I also worked for Upper Merion Swim and Tennis Club.
Q Okay.
A And I worked for the YMCA.
Q Did you file taxes last year?
A I did.
Q Who helped you prepare them?
A Well, I did it on taxact.com, but I was the one that prepared them.
Q And did you prepare taxes in the prior year?
A I prepared taxes for the 2014 tax year and the 2015 tax year, but those were -- I also sent in my 2013 return, like, after the fact, after I realized that I was due a return last year. So I sent that in.
Q Okay. So do you have -- besides what you're doing now with Final Verdict Solutions, what other sources of income do you have?
A That's my source of income now.
Q So you don't have any rental property, no --
A No.
Q No --

A No.
Q -- investment trust fund, no --
A No, not yet.
Q And no other businesses?
A That's my only business.
Q Okay. Did your family have a business as well?
A No.
Q Okay. And how are you paying for school?
A My parents are paying for school. I supplement some of that last year with the money that I had earned.
MR. PUTNEY: So I'll go ahead and make a request on the record. It appears there are some documents that we've asked for, and I know you've indicated an objection on relevance, but I'm going to ask again that you produce the documents that we've asked for and specifically the tax returns.
And given that in the interrogatory responses I didn't see anything about this business, I would like you to produce -- respond to the interrogatories supplementally with the information regarding the business as well. Are you able to do that?
MR. GORSKI: You can send me

a letter alleging a deficiency with our written discovery responses and I'll respond to that.

MR. PUTNEY: Okay. So you'd prefer to pursue formal correspondence as opposed to producing the documents?

MR. GORSKI: Well, I don't think you've sent me any deficiency letter relating to our discovery responses to date and, you know, so I think the first step in that process would be for you to send a deficiency letter and cite the basis for why you think our objections are inappropriate and we can discuss it from there.

MR. PUTNEY: Greg, I know we've discussed the responses on numerous occasions, including in verbal and written correspondence. I can provide those to you as well if you'd like them, but I can also write you a letter to discuss the deficiencies in specific, but I'd rather just ask you to produce some specific documents that he's indicated he has.

MR. GORSKI: Yeah, so I'm not going to engage you in a debate on the merits of whether those documents should be produced on the record. The appropriate form for you to do that is to write me a deficiency letter and we'll discuss.

MR. PUTNEY: Well, I understand your position is that you would rather pursue formal correspondence, Greg.

BY MR. PUTNEY:

Q Okay. Jamie, have you ever been arrested?

A No.

Q Okay. Have you ever run into trouble at school?

A No.

Q So you've never been the subject of any disciplinary action?

A Well, we got caught drinking on one occasion, but that was the only, I don't know what you would call it, disciplinary.

Q Okay. Have they ever accused you of cheating on a test --

A No.

Q -- anything like that?

When you say they caught you drinking, what happened?

A There was just a couple of people in my room with some open beers. That was all it was.

Q But nothing ever came of it?
A No. We just basically had to, you know, go in and talk to somebody about it. I think I had to write an essay. I don't really remember, to be honest.
Q It was a while ago?
A It was like in the spring.
Q Spring of this year?
A Yeah.
Q Okay. Was it -- who did you have to talk to about it?
A Oh, just one of the people in the university. Resident -- I'm not really sure what their title was, to be honest.
Q Was it a student?
A No. It was one of the I guess administrators or -- whoever's in charge of the policy.
Q Okay. Has anyone ever obtained a judgment against you?
A No.
Q You mentioned earlier that you have given sworn testimony?
A Yes.
Q Can you tell me about that lawsuit?
A That lawsuit, it was a motion in court for one

of my lawsuits that I purchased, a judgment that I purchased, to -- it was in front of Judge Bertin in Montgomery County, Pennsylvania.
Q And what was the nature of the motion?
A Piercing the corporate veil action.
Q And why were you called to testify?
A It was to the merits of the motion that I had brought before the court.
Q Were you represented by counsel in that action?
A No.
Q How did it result?
A It was successful. The other side did not show up and subsequently I settled the matter with the defendants.
Q What else? Have you been involved in any other lawsuits prior --
A Yes.
Q -- to this one? Can you tell me about those?
A I had one prior lawsuit before this lawsuit was initiated. It was for liquidated damages resulting from nonpayment of wages due by my former employer who didn't pay me for about eight months after the money was owed.
Q Can you tell me more about that?

A My employer, Upper Merion Swim and Tennis Club, this guy, Richard Frey, and his wife, Joanne Frey, they didn't pay me the money that was owed. So I wrote demand letters and I spoke with the township about it, and eventually the money was paid eight months later. I contacted an attorney about it and I took them to court for the liquidated damages provision because he didn't pay the money on time.
Q But he finally paid up?
A He paid the money. He paid the original wages, but he didn't pay the judgment against him that I had seen.
Q So you still have an outstanding judgment against him?
A Yes, which I'm currently collecting on.
Q Okay. What else? Have you been involved in other lawsuits?
A Yes.
Q Can you tell me about those?
A I have a -- several Telephone Consumer Protection Act judgments and lawsuits that I'm involved in.
Q Okay. Can you tell me about each one?
A One was against Capital Advance Solutions, LLC

and Charles Betta. The lawsuit was filed on June the 7th, 2016, for numerous robocalls that I had received in violation of the TCPA.
Q And who's representing you for the purposes of that action?
A I'm pro se.
Q You're pro se. And you filed that on June 7?
A June 7. I was awarded a judgment on 7/29/2016 in the amount of $12,189.20.
Q You mentioned there are others?
A Yes. I filed a lawsuit against Western Capital Financial Services, LLC and Joshua Hamrell. That was filed on June the 29th, 2016, and the matter was subsequently settled.
Q And what was the total settlement?
A Well, $1,000.
Q And who represented you for purposes of that action?
A I represented myself.
Q Pro se.
Are there others?
A Yes.
Q Let's continue.
A I filed a lawsuit against -- the company's called Doan Solutions LLC.

Q Can you spell that?
A D-O-A-N. Like loan, but with a D. The case was subsequently withdrawn, mainly because I was unable to attend court on the hearing date.
Q Why were you unable to attend?
A I was at school. The lawsuit was scheduled on a date that was not good for me.
Q And did you let the court know that?
A I -- yes, and I withdrew the case. I didn't -- I no longer wished to pursue it.
Q Okay. And what was the nature of the claim you originally made?
A Telephone Consumer Protection Act.
Q Are there others?
A Yes. I have a pending lawsuit against a company called Endurance Warranty Services, LLC. And that is currently -- the date for that is going to be on November 29 in the Cleveland Municipal Court.
Q And what's the nature of that action?
A Telephone Consumer Protection Act.
Q And who's your counsel for that action?
A Pro se.
Q Again pro se. Are there others?
A So far that's it.

Q Okay. So let me recap, make sure I'm getting this all. It looks like you had a prior lawsuit before Judge Bertin in Montgomery County where you were seeking liquidated damages --
A No, no, no, no, no. That was for my business.
Q Oh, I see.
A That was -- that was very recent, on October 31.
Q Oh, I see. And there you're attempting to collect on a debt that you purchased?
A Oh, I have numerous judgments that I have purchased.
Q And you're attempting to collect on those debts, right?
A Yes.
Q Okay. I guess we can get into some more detail later when we discuss some of the responses to discovery, but it's looks like there's a lot of information that wasn't included.
So let's see. The motion before Judge Bertin in Montgomery County was in relation to collecting a debt that you purchased, right?
A A judgment.
Q A judgment, okay. A judgment debt, then.

And then you had an action for liquidated damages for nonpayment of wages against your former employer?
A That was -- the judgment for that was awarded I believe on December 2. Early December 2015. It was filed on October either 11 or 13 of 2015.
Q Okay.
A And I had an attorney, Zachary Zawarski, represent me in that action.
Q Okay. And is he still your attorney for those purposes or?
A Yes.
Q So he's not concluded his representation of you?
A No. He's representing me in collections actions to collect that judgment.
Q Okay. If I understood your testimony correctly, it sounds like you also developed some self-help measures as well, right?
A Yes.
Q That didn't involve Mr. Zawarski, right?
A Yes, that's correct.
Q So then I've got a second action, it's a TCPA action, against Capital Advance Solutions,

right?
A Yes.
Q There's a third action, another TCPA case, against Western Capital Financial Services, right?
A Correct.
Q There's a fourth action for another TCPA case against Doan Solutions LLC, right, which you withdrew though?
A Which was withdrawn.
Q Right. And then we've got a fifth action against Endurance Warrant Services, LLC, right?
A Endurance Warranty Services, LLC.
Q Are there any others?
A No.
Q Okay. That's it.
Have you ever -- so you've never had another case involving violations of the Fair Credit Reporting Act?
A No.
Q Okay. And have any -- are you familiar with the three major credit bureaus?
A Yes.
Q Okay. And has any of them been involved in any of your existing or prior actions?

A What do you mean by that?
Q Have you named any of them as a defendant?
A Well, Experian.
Q In which case?
A In this case.
Q I see. I'm speaking only about the prior actions, not this one.
A Prior actions?
Q Yeah, meaning the prior lawsuits --
MR. GORSKI: I think they're -- many of them are subsequent to the filing of this lawsuit I think is what's confusing about your question.
MR. PUTNEY: Ah, I see.
MR. GORSKI: Yeah.
Q For any of the other five named actions that we've just discussed, are any of the major credit reporting bureaus a defendant in any one of those?
A No.
Q Okay. Have you sought discovery against a credit reporting bureau in any of those actions?
A No.
Q Okay. Let me just ask now: I'm at a point

where it's a decent point to take a break. Do you need a break at this point?
A I can take a break. That works for me.
MR. PUTNEY: Would you like a break at this point?
MR. GORSKI: Like a five-minute break?
MR. PUTNEY: Five minutes is fine.
MR. GORSKI: Sure. Yeah.
THE VIDEOGRAPHER: Off the record. The time is now 10:07 (9:07).
(Recess taken.)
THE VIDEOGRAPHER: Back on the record. The time is now 10 -- 9:21.
BY MR. PUTNEY:
Q Okay. So we're here in this lawsuit. We've got Southwest Credit Systems, which I take it you're somewhat familiar with?
A Yes.
Q And you've got Experian Information Solutions, and I take it you know who we are?
A Yes.
Q Okay. Great. Can you help me understand how this whole situation got started? Can you just

walk me through what happened? Why are we here?
MR. GORSKI: Objection to the form, vague.
A We're here because I had a mark placed against my credit for a collections account that did not belong to me. It belonged to my father.
Q And how did you first discover that?
A Well, I have a credit card account with Capital One and I -- when I was reviewing my credit card statement, I clicked on the Credit Tracker on their website and I saw that there was a collections account that had been placed on there in December. And I --
Q Can you tell me about when that was?
A Around mid-December, December 13 or 14. I don't remember the specific date. Around that time. And I know that I never had any of my accounts placed into a collections agency, so I wasn't really sure what it was. I said I never had anything like that happen to me. So I was confused, very confused at the time.
MR. GORSKI: Do you have a question?
Q What happened after that?

A Well, I saw that it said "Southwest Credit Systems" on the -- as the collections agency. So I called them and I, you know, tried to ascertain what it was about.
Q Do you remember the approximate time frame of when you first called them?
A I mean, relatively soon after I discovered the mark against my credit file.
Q Would you say it was within a week or so?
A Oh, it was definitely within a week, if not a day or two.
Q Okay. What happened when you called them?
A Well, I gave them my name and my address and I told them "Look, there's a file against my credit, it says Southwest. I don't know what this is. Can you -- can you help me figure what this is out?" And...
Q Were they able to help you?
A Well, I was able to ultimately determine that the account was from a delinquent bill related to a Comcast cable account and that that account had been previously owned by my father.
Q Oh, I see. And you got that from the call with them?
A Yes. That was what we were able to ascertain.

Q And when you say "we," do you mean you and some other person or?
A Myself and the call center agent.
Q So what did you do?
A Well, I spoke with my father and I said, "Do you know anything about this?"
And I -- once I figured out that it was his account, I waged a dispute with TransUnion, who had reported the account to Capital One's Credit Tracker.
Q Oh, I see. What did your dad say about the account?
A Well, he told me that it was from a 2013 or 2012 account that we had set up in Maryland in a condominium.
Q Why did you have an account set up in Maryland?
A I was working for my father, who was working in Washington, D.C. at the time, and we had an account for that condominium so that we could watch TV in the evenings.
Essentially what had happened with that was he went to close out the account the day we were moving all of our furniture back to Pennsylvania, and the Comcast center where we were supposed to return the cable box to was

closed at the time, so my dad said, "Let's bring it back to Pennsylvania."

And at that point in time, Comcast told him that it was -- he had to return it to the Maryland office, and my dad said, "Can you provide a mailing label?" They said no. So he said, "If you want it, come pick it up." And at that point in time they placed his account to a collections agency.

Q So what were you doing while you were working in D.C.?

A I was an assistant for my father's company, ARCADIS.

Q Oh, okay.

A Intern. I was 16 years old at the time.

Q How long were you down in D.C.?

A Just for the summer. From June to the end of August and early September, 2012.

Q And what was your address at the condo?

A It was -- I'm trying to remember. It was unit 714. I think it was 155 Potomac Passage in National Harbor, Maryland.

Q And you were only there from June to August 2012?

A That was when I was working there, yes.

Q Did you receive any mail at that address?
A No.
Q Who all knew that you lived there?
A Well, my family knew that I lived there.
Q Did you ever order stuff and have it delivered there?
A No. I mean, I was 16 at the time, so I really wasn't aware of anything. I didn't have any accounts at the time, so no.
Q Were you ever an authorized user on your dad's credit card?
A No.
Q All right. Let me track back here.
If I understood you correctly, it sounds like in mid-December you saw a collection account from Southwest on your Credit Tracker from -- which was provided by Capital One?
A That's correct.
Q And you called Southwest. And when you talked to them, you figured out with them that it was related to a collection account that belonged to your father?
A Right.
Q And I think you said that then you called TransUnion to dispute?

A Correct. I waged a dispute with them.
Q Okay. What do you mean when you say "I waged a dispute"?
A Well, I disputed that the account was not mine and that it was a member of my family, specifically my father's. And TransUnion sent me an email, and I believe also a letter, stating that the account had been deleted from my file.
Q Did you -- when you waged the dispute, did you call them on the phone?
A I believe I did call them, but I think there was also something online. I'm not really sure, to be honest. I do remember calling them.
Q Okay.
A And I do remember receiving an email from them.
Q Okay. And that email is how you figured out that they had deleted the account?
A Yes. And I believe they sent me that in the mail as well after I requested it from them.
Q Where did you ask them to send it to?
A 316 Covered Bridge Road.
Q And you were satisfied with how that worked out?

A Yes. They deleted it, so I would say yes.
Q Did -- do you know if Equifax was --
A Equifax never reported the account.
Q Oh, Equifax never reported, okay.
How do you know that?
A I called them and confirmed it. And I obtained a copy of my credit report from them and it was never on there.
Q How did you get a copy of your credit report?
A I believe it was annualcreditreport.com.
Q Oh, okay.
A They provide free credit reports.
Q Yeah. When did you do that?
A Sometime in January I believe. January or February. I know I called them in January to confirm that.
Q Okay. When did you call TransUnion?
A In December.
Q Was it close in time to when you contacted Southwest?
A Very much so.
Q Would you say maybe a week?
A Definitely. It was within a week.
Q A couple days?
A A couple days, a week.

his credit report other than the other day when you talked about the subpoena?
A I've already testified that I did -- I have spoken with him about that.
Q Okay. How many times did you talk with him about it?
A I don't know how many times I talked with him about it.
Q Was it more than two?
A Yes.
Q Was it less than ten?
A Look, I don't know how many -- how many specific times the conversation came up.
Q Would you be able to estimate for me?
A Not really. I don't -- I haven't really thought about that. I mean, I talk to my parents about litigation quite often, almost to the point where they want me to be quiet about it. I mean...
Q So he's aware that you know about the collection account and --
A Oh, he's aware.
Q Okay. So your father never said he doesn't owe the money to Comcast?
A Well, he thinks that he -- he thinks that he

roommate last year.
Q Okay. Who were your roommates last year?
A I had one roommate. His name was Robert Wagner.
Q Do you keep in touch with him?
A A little bit. He's in a fraternity now, so he's off doing his own thing.
Q Do you know where he lives?
A Yes.
Q Do you have his address?
A No.
Q Okay. Does he live on campus at Case Western?
A Yes.
Q Okay. Did you have any other roommates last year?
A He was my only roommate.
Q Okay. You were a freshman last year and you're a sophomore this year?
A That's right.
Q Okay. Did you talk to Robert Wagner about the credit reporting issues?
A I talked to Bobby about it, yes.
Q What did you tell him?
A Well, he was in the same room with me as I was on the phone and I mean, he asked me "Who are

you talking to?"
And I just said, "There's this issue with my credit report going on. I'm trying to figure it out." That was the extent of my discussion about it with him.
Q Did you ever talk to him about feeling anxious?
A I like to keep that stuff internalized.
Q Did you ever talk to him about feeling embarrassed?
A I didn't talk with him about feeling embarrassed.
Q Did he notice that you were sleeping about an hour less per night in your opinion?
A I don't know if he noticed that himself, but that would be something you would have to -- I don't know if I could answer that question, he would have to answer it.
Q Do you think he would be able to?
A No, because I mean, I don't think he would ever pay attention to anything like that.
Q Did he notice that you were having -- again, to the best of your knowledge, did he notice that you were having difficulty concentrating?
A I don't think that he noticed that stuff. If he did, it would not have been because of this

lawsuit, it would have been because of my business.
Q What about Garrett and Sam, what have you told them about the credit reporting issues and the lawsuit?
A I just told them that I had a lawsuit in Federal Court and that I had a deposition to take today and that -- they asked what it was about, and I just said that it was a mix up with a credit file.
Q Did you talk to them about feeling anxious?
A No. Like I said, I try to keep that stuff -- I try not to put my problems on other people like that if I don't have to.
Q If you felt more anxious than you do now, do you think you would talk to them to get advice?
MR. GORSKI: Objection. Calls for the witness to speculate, assumes facts not in evidence.
Q You can answer.
A I'm not like a psychologist or anything like that, but I feel like I probably would just -- if I was going to talk to anybody, I would probably talk to my parents about it, but I don't think I would, like, reach out to my

friends in that regard, because like I said, I don't want to put that on them.

Q And is that true across the board for any emotional issues that you might have?

A Yes. I really am somebody that doesn't want to have that out there for everybody to know.

Q Other than Robert Wagner, Garrett Ruderman, and Samuel Weinberger, is there anybody else on campus at Case Western that either knows about this lawsuit or knows about the credit reporting issues that you've experienced?

A I mentioned it to a few friends, but like I said, none of this I went into real detail about, because I like to keep that stuff between -- I like to keep my private stuff private. Personal business is personal business. So I don't think if you were to ask them they would really know details about this, other than that I had filed a lawsuit and that I was being deposed today.

Q You haven't lost any friends because of the credit reporting issues, have you?

MR. GORSKI: Objection to the form. It assumes facts not in evidence.

A I can't imagine I would have lost a friend

A Equifax did not report the account to my credit file, so I didn't report -- I didn't wage a dispute.
Q That's all I've got.
MR. GORSKI: Okay. Did you guys want to change seats again or can we just pass the mike?
MR. PUTNEY: I'm going to change seats. Sorry.
MR. TUSKAN: I mean, it's not the longest mike cord in the world.
MR. GORSKI: Okay.
MR. TUSKAN: So...

REEXAMINATION OF JAMES EVERETT SHELTON

BY MR. PUTNEY:
Q All right. Jamie, can you pull out what's been marked as Exhibit D --
A D.
Q -- as in dog?
A Okay. Exhibit D. "Plaintiff's objections and responses to Defendant Experian Information Solutions, Inc.'s first set of requests for production."
Q Have you seen this document before?
MR. GORSKI: Again I'm just

going to place an objection on the record. This again is not a document that plaintiff is required to verify regarding the information in it, so I don't think there's any foundation to be asking him questions about it.

MR. PUTNEY: Your objection's noted.

Q Have you seen it before?

A I have not seen this before.

Q Okay. Are you aware that Experian has requested documents of you?

A Yes, my attorney made me --

MR. GORSKI: Stop. All right. I'm --

THE WITNESS: Sorry.

MR. GORSKI: I'm instructing the witness not to answer the question because he was about to disclose attorney-client communications.

MR. PUTNEY: His awareness of our request is not a privileged fact.

Q Are you aware that we made a request for documents?

A Judging from what I'm looking at right now, yes.

Q Were you aware prior to seeing that document?
A I don't know if I'm allowed to answer that question.
Q You're allowed to answer the question.
MR. GORSKI: His -- you can answer the question so long as your question does not include communications with counsel.
A I became aware of this, these requests.
Q When did you become aware?
A While -- if I disclose that to you, then I'm also discussing attorney-client privilege.
My -- I guess I'll answer the question. I found out about this last night.
Q Okay. Have you searched for documents, the documents that Experian has requested?
A No.
Q Okay. Could you read from that document request number 12?
A Number 12. "A true and correct copy of every Social Security card issued to or used by Plaintiff."
"Plaintiff will produce a copy of his Social Security card."
Q Have you provided a copy of your Social Security card to your counsel?

A I have not because I don't have it. I don't know where it is and that's been an issue for me over the years. I don't know where it is.
Q How about let's look at number 13 on that same page. I think it's on the same page.
A "A true and correct copy of every driver's license issued to or used by Plaintiff."
I did provide a copy of this to my attorney to the -- to Francis & Mailman.
Q Okay. Can you tell me why you have not actually produced a copy to Experian to date?
MR. GORSKI: So --
A Would you like me to --
MR. GORSKI: -- John, how in the world is he supposed to be able to answer that question?
MR. PUTNEY: I don't know what he knows and what he doesn't know.
MR. GORSKI: Isn't that like a question you might want to, like, discuss with me about whether you think our production is complete or not? I mean why are you asking the witness that?
MR. PUTNEY: Because we've received no documents and I suppose there may

be a reason for it that he may know.

MR. GORSKI: Look, to my knowledge we don't have a copy of his driver's license.

A Would you like to see it now?

MR. GORSKI: But if you want to make a photocopy of it at the end of the deposition, you're welcome to that.

You don't need to pull it out right now.

THE WITNESS: Sorry.

BY MR. PUTNEY:

Q Not right now. We can deal with that later. And, frankly, you can -- as before with other requests, just -- I don't want to deal with that.

So you didn't spend any time looking for documents, right?

MR. GORSKI: Objection to the form.

A No, I did not.

Q Okay.

A Other than the ones requested to me by -- and I'm not really probably supposed to say that either.

Q Okay.

A So the answer is no.
Q Okay. Do you keep electronic files?
A Yes.
Q Where do you keep them?
A Well, on my computer.
Q Okay. Do you keep any electronic documents in a remote location, such as an email server?
A Some of them are on my email.
Q Okay. Do you have a remote document repository, like Google Docs or Dropbox?
A I do, but I only use it for things that are related to school. I don't often have my personal files on those servers.
Q Okay. Do you use text messages to communicate with your parents?
A Yes.
Q Okay. Do you use Facebook to communicate with your family or friends?
A Yes.
Q Have you made any posts to blogs or similar Internet websites?
A I make --
MR. GORSKI: About what? In general in life or about this case?
MR. PUTNEY: I'm sorry. Did

you have an objection?

MR. GORSKI: Yeah, the objection is that it's vague. I have no idea what you're trying to ask the witness in that respect. Are you saying does he make posts in life in general or about something specific?

BY MR. PUTNEY:

Q Have you posted on a blog on any topic relative to this lawsuit or the dispute?

A Yes.

Q What is the name of those blogs?

A I don't write on blogs.

Q Okay.

A I made a Facebook post saying that I was engaging in litigation. But I discuss numerous litigation topics.

Q Do you send -- do you use Facebook Messenger to communicate with your family and friends on this topic?

A Occasionally.

Q Okay. Do you use your school email or computer for these types of matters?

A Well, I don't think I use my school email to communicate to my attorney or to my friends and family about this type of thing. I use my

personal email or my business email in regard to those type of things.
Q Okay.
MR. PUTNEY: I'm just going to go on the record and say that this information raises some serious questions we should discuss afterwards in terms of responding to Experian's requests.
MR. GORSKI: I don't think it raises any serious questions at all. If you want to discuss something, you're obviously welcome to contact me or discuss it after the deposition.
MR. PUTNEY: I imagine that we will, but let's move on to a different topic for the sake of time.
BY MR. PUTNEY:
Q If you will turn to Exhibit C as in cat.
A Okay.
Q And hang on to Exhibit B because we'll go to it next.
A I don't see where B is.
Q B are the responses to --
Does this document look familiar to you?
A Yes. It's a DocuSign that I was asked to

verify and sign.
Q And why were you asked to verify and sign it?
A Well, I think it's in connection with the interrogatories that I was supposed to look at and verify.
Q Okay. And did you look at those?
A Yes, I did look at those.
Q When did you look at them?
A I looked at it just before I clicked the sign button on the interrogatories. Very briefly.
Q Can you tell me approximately how much time? Maybe five minutes or more?
A Not even five minutes. The information was provided to me after I was asked questions and...
Q Okay. Can we look at number seven on Exhibit B?
A Number seven?
Q Uh-huh.
A "Admit that Plaintiff was not denied insurance as a result of the information Experian report" -- reported "with respect of Plaintiff."
Q I believe you're looking at Exhibit E. I would like to --

A Oh.
Q -- look at Exhibit B if that's okay.
A I'm sorry.
No, this says B.
MR. GORSKI: That's my Exhibit B too.
Q That's your B, I see.
Well, let's try Exhibit E.
A Okay.
MR. GORSKI: Response to request for admissions Experian, is that what you want?
MR. PUTNEY: I'm looking for his responses to our interrogatories.
MR. GORSKI: Well, E is response to Experian's request for admissions.
MR. PUTNEY: So both B and E are responses to our request for admissions?
MR. GORSKI: B is Plaintiff's objections and responses to Experian's request for admissions.
MR. PUTNEY: Okay. Let me do this: Let's go ahead and mark this as the next available exhibit number, which should be K.

(Defendants' Exhibit K was marked.)
A Okay.
Q Okay. Can you read number seven for me, please?
MR. GORSKI: Will you hold on a second? I'm just going to call the document up on my iPad.
MR. PUTNEY: It may actually be in your binder as Exhibit B.
MR. GORSKI: It's not.
MR. PUTNEY: Okay.
MR. GORSKI: Just give me a second.
Okay. We're on seven?
MR. PUTNEY: Yep.
BY MR. PUTNEY:
Q Would you kindly read number seven for us?
A "Identify every application for credit or insurance made on behalf of Plaintiff during the past five years, including whether the application was granted or denied."
"Not applicable."
Q Not applicable, okay.
Now, earlier today I thought I heard you talk about an incident where you had a dispute

with a credit card related to insurance that you purchased?
A Yes, that's correct.
Q Is that true? Is that the only instance where you've applied for insurance in the past five years?
A Well, I got a lot of quotes from different insurance companies. I even paid an insurance premium for a friend who paid me back on my credit card.
Q I just mean --
A As far as applications?
Q -- as far as where you've applied for insurance.
A May I ask a question?
Q Sure.
A Does -- correct me if I'm wrong, does getting a quote for insurance, is that an application or is that -- I'm not really sure if that counts as an application.
Q Why don't we just talk about both and you can tell me which ones you --
A Well --
Q -- just sought a quote for and --
A -- I mean --

Q -- which ones you actually --
A -- there were a bunch of them and I honestly don't remember because that was in May 2015.
Q Okay.
A I also sought a few in July 2015 for a different vehicle.
Q Okay. Have you applied for car insurance since?
A No. I am currently insured under my parents' insurance policy --
Q Okay.
A -- with Nationwide.
Q Okay. Can we look at Interrogatory Number 8, then?
A Yes. "For each denial of credit -- "
MR. GORSKI: You don't have to read it out loud.
THE WITNESS: I'm sorry.
Q Okay. Would you mind reading number eight and your answer? And we'll do the same thing for nine, but let's start with eight.
A "For each denial of credit or insurance during the past five years, describe the denial, whether oral or written, and the reasons given for the denial, any dispute related to the

denial, etc."
"See Plaintiff's response to Interrogatory No. 7."
Q Okay. And your response to number seven was?
A "Not applicable."
Q "Not applicable." Does that mean you've never been denied credit?
A Well, I don't think I have been denied credit.
Q Okay. So in every instance you've applied for credit you've been approved?
A I only believe that I applied for credit one time, with my credit card, and I was approved for that.
Q Okay. Let's look at number nine, then.
A Okay. Do you want me to read it?
Q If you would please read the answer. The question and the answer.
A "For each application of credit or insurance granted during the past five years, describe the credit or insurance obtained, the creditor, insurer, account number, repayment terms, etc." Okay.
And the response was, "See Plaintiff's response to Interrogatory No. 7," which was "Not applicable."

Q Okay. I think you just testified that you did apply for a credit card and were approved, is that right?
A That's correct.
Q So why did you say it was not applicable when I asked about the applications that were granted?
A I didn't say that, my -- this was -- this was something that was prepared by my attorney.
Q Okay. So your signature on Exhibit C that verified the responses to these, you didn't intend that to mean that you believe these answers were true?
MR. GORSKI: Objection. It misstates testimony.
A I think it was a mistake that -- I guess I just overlooked it, I don't know why, but I'm happy to tell you anything about insurance or credit cards that you would like to know, truthfully. I have no problem telling you about that.
Q Is it fair as we sit here today that you believe that some of the answers on your interrogatory are not accurate?
MR. GORSKI: Objection.
MR. PUTNEY: What's the nature of the objection, Greg?

MR. GORSKI: I just object to the way you asked him the question.
A I think -- I'm sorry. Can you repeat the question?
Q Sure. As we sit here today, do you believe that there are some answers on these interrogatories that are not accurate?
A I did apply for insurance, if that's what you're asking, but I'm not saying that everything in here is completely inaccurate. To the best of my knowledge, the questions that were asked to me, I answered them, and this was what I was told to sign and I signed it, and I'm happy to answer any questions that you have.
Q Okay. Let's switch to a different topic. You can put that away or you can hang on to it.
We talked a little bit earlier with Mr. Tuskan about some of the claims in your complaint about embarrassment and emotional distress, and if I understood your testimony correctly, it sounds like you've never sought professional help for these mental injuries, is that right?
A I never saw a doctor or a therapist about this,